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26338	7590	10/05/2005	EXAMINER	
MERLE W. RICHMAN, III P.O. BOX 3333 LA JOLLA, CA 92038			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,300

Applicant(s)

KIMBLE, DAVID MICHAEL

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 78-84 are objected to because of the following informalities:

In claim 78, line 1, the phrase "system of claim 73" should be replaced as – system of claim 74. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 8, 12-18; 41-48, 52-58, 74-81, 85-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2003 0149988) in view of Seki (EP 0 872 987).

Regarding claim 1, Ellis discloses a method for generating a media on demand (MOD) event in a media generating system (i.e. interactive program guide television equipment 17/set top box/personal computer - figures 2d, 7-10), comprising the steps of:

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generating a user selectable MOD event in a software module (generating a user selectable event such as MOVIES, SPORTS, in the interactive program guide television equipment – figure 2d, 10, par. 0116-par. 0117);

receiving a MOD event protocol file for the selected MOD event, the protocol file indicating the source of a media signal for the selected MOD event (i.e., receiving program guide data and program guide application for the selected event such as MOVIES, SPORTS, etc., the program guide data and program guide application comprises channels, descriptions, program identifier, associated software, etc- par. 0060, par. 0072);

directing the media generation system to generate the MOD event based on the MOD event protocol file (directing the interactive program guide television equipment/set top box/ personal computer to generate event such as MOVIES, SPORTS, etc. based on the program guide data and program guide application – par. 0060, par. 0116-par. 0117). Ellis further discloses program guide data may be provided to user television equipment via Internet (par. 0070), and online program guide is implemented on interactive program guide television equipment (par. 0072). However, Ellis does not specifically disclose the event is generated in a stateless software module.

Seki discloses generating MOD event (applet for VOD) in a stateless software module (Web Browser 27 – col. 7, line 42-col. 8, line 48; col. 9, line 36-col. 10, line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to use the teaching as taught

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by Seki in order to easily create and customize a user interface conforming to client demands (col. 2, lines 1-5; col. 12, lines 5-13).

Regarding claim 2, Ellis further discloses to access the functions of the program guide, the user instructs the program guide implemented on interactive program guide television equipment to generate a main menu or other desired program guide display screen for display on display device (par. 0116-par. 0118).

Inherently, the MOD event protocol file (program guide data and program guide application) is parsed and the MOD event (program guide menu comprises MOVIES, SPORTS, etc.) is generated based on the parsed MOD event protocol file (based on the desired program guide data) so that the desired program guide display screen is displayed.

Regarding claim 3, Seki further discloses the stateless software module is a Web browser (WWW browser 27 – figure 1, col. 9, lines 40-43).

Regarding claim 4, Ellis in view of Seki discloses a method as discussed in the rejection of claim 1, Ellis further discloses generating a user selectable link coupled to a MOD event in a page (i.e., selection of MOVIES in the MENU will be linked to lists of movies –par. 0121 – par. 0122).

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Regarding claim 5, Ellis further discloses receiving a MOD event protocol file from the selected link for the MOD event (i.e., receiving program guide listings data from the selected link from the MOVIES event – par. 0121-par. 0122).

Regarding claim 6, Ellis further discloses the media generation system (interactive program guide television equipment/set top box/personal computer) is a windowless system (figure 7). Alternatively, Seki also disclose the media generation system (client computer) is a windowless system (figure 1).

Regarding claim 7, Ellis further discloses the media generation system is a video generation system (interactive program guide television equipment/set top box/personal computer receive and process video data – figure 7) and the MOD event is a video on demand (VOD) event (figure 10, paragraph 0013, par. 0060, par. 0074).

Regarding claim 8, Ellis further discloses the media generation system is a television set top box (28 – figure 7).

Regarding claim 12, the limitations as claimed correspond to the limitations as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1.

Seki further discloses web browser access the HTML document and display the event based on the received HTML document (col. 7, line 42-col. 8, line 48).

Thus, the stateless software module (web browser) inherently evokes MOD

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handler software upon receiving the MOD event protocol file so that the event protocol file can be accessed.

Regarding claim 13, the additional limitations as claimed correspond to the additional limitations of claim 2, and are analyzed as discussed with respect to the rejection of claim 2.

Regarding claim 14, the additional limitations as claimed correspond to the additional limitations of claims 3-4, and are analyzed as discussed with respect to the rejection of claims 3-4.

Regarding claims 15-18, the additional limitations as claimed correspond to the additional limitations of claims 5-8, and are analyzed as discussed with respect to the rejection of claims 5-8.

Regarding claims 41-48, 52-58, the limitations as claimed are directed toward embodying the method of claims 1-8, 12-18 in an "article of manufacture", and are analyzed as discussed with respect to the rejection of claims 1-8, 12-18.

Regarding claims 74-81, 85-91, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1-8, 12-18, and are analyzed as discussed with respect to the rejection of claims 1-8, 12-18.

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4. Claims 9-11, 19-21, 49-51, 59-61, 82-84, 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2003 0149988) in view of Seki (EP 0 872 987) as applied to claim 8 above, and further in view of Fries et al. (US 6,317,885).

Regarding claim 9, Ellis in view of Seki discloses a method as discussed in the rejection of claim 8. Ellis further discloses receiving program guide data, associated software and other information (par. 0060) and generating and displaying organized program listings (par. 0121-par. 0122). However, Ellis does not specifically disclose the protocol file includes the screen location for the event.

Fries discloses protocol file includes the screen location for the event (metadata includes coordination X, Y for the event - col. 20, line 55-col. 22, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis and Seki to use the teaching as taught by Fries in order to provide information about the active location (col. 2, lines 33-37), and furthermore, to display the event at a specified location on the screen.

Regarding claim 10, Seki further discloses the event protocol file includes the height and width of the VOD event within the page of the Web Browser (col. 9, line 45-col. 10, line 1). Therefore, it would have been obvious to one of ordinary

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skill in the art to modify Ellis, Seki and Fries to use the teaching as further taught by Seki in order to indicate the area used by the applet (col. 9, line 58-col. 10, line 1).

Regarding claim 11, Ellis further discloses the protocol file include channel location of the VOD event (par. 0060, figures 11A, 11C, 18A).

Regarding claims 19-21, the additional limitations as claimed correspond to the additional limitations of claims 9-11, and are analyzed as discussed with respect to the rejection of claims 9-11.

Regarding claims 49-51, 59-61, the limitations as claimed are directed toward embodying the method of claims 9-11 and 19-21 in an "article of manufacture", and are analyzed as discussed with respect to the rejection of claims 9-11 and 19-21.

Regarding claims 82-84, 92-94, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 9-11, 19-21, and are analyzed as discussed with respect to the rejection of claims 9-11, 19-21.

5. Claims 22-40, 62-73, 95-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2003 0149988) in view of Seki (EP 0 872 987), and further in view of Klemets et al. (US 6,449,653).

Regarding claim 22, Ellis in view of Seki discloses a method as discussed in the rejection of claim 13. However, neither Ellis nor Seki specifically discloses the event handler software module is a Web Browser plug-in.

Klemets discloses event handler software module is a Web Browser plug-in (952a, 952b – figures 9A-9B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis and Seki to use the teaching as taught by Klemets in order to provide interface with the client module (col. 7, lines 37-45), and furthermore, to expanse capability of the system.

Regarding claim 23, the limitations as claimed correspond to the limitations of claims 12, 14-16, 22, and are analyzed as discussed with respect to the rejection of claims 12, 14-16 and 22.

Regarding claim 24, the additional limitations as claimed correspond to the additional limitations as claim 13, and are analyzed as discussed with respect to the rejection of claim 13.

Regarding claim 25, Ellis in view of Seki and Klemets discloses a method as discussed in the rejection of claim 25. Klemets further discloses the designer use author module to compose a suitable Live Screen display format which defines

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the layout of Live Screen Display at client computer (col. 5, lines 39-50).

Therefore, it would have been obvious that the file includes the screen location for the event so that the event can be displayed at specified location on the screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis, Seki and Klemets to use the teaching as further taught by Klemets so the event can be displayed at a specified location on the screen.

Regarding claim 26, Seki further discloses the event protocol file includes the height and width of the VOD event within the page of the Web Browser (col. 9, line 45-col. 10, line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis, Seki and Klemets to use the teaching as further taught by Seki in order to indicate the area used by the event (col. 9, line 58-col. 10, line 1).

Regarding claim 27, Ellis further discloses the protocol file include channel location of the VOD event (par. 0060, figures 11A, 11C, 18A).

Regarding claim 28, the limitations as claimed correspond to the limitations as claimed in claim 23, and are analyzed as discussed with respect to the rejection of claim 23. For the additional limitations, Ellis further discloses

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receiving the request for the VOD event (i.e., positioning highlight region 120 over a desired program guide option to request for related program listings – par. 0121);

generating a VOD event protocol file for the requested VOD event (generating program listings data associated with the requested program guide option – par. 0121);

transmitting the VOD event protocol file to the requesting link (transmitting program listings data associated with the program guide option by the distribution facility, guide server, or a memory – par. 0121).

Regarding claims 29-31, 33, the limitations as claimed correspond to the limitations as claimed in claims 24-67, and are analyzed as discussed with respect to the rejection of claims 24-27.

Regarding claim 32, Ellis further discloses dynamically allocating a channel for the VOD event (since the program guide data is distributed in different channels such as the program guide data on a television channel sideband, in the vertical blanking interval of a television channel, using an in band digital signal, using an out of band digital signal, etc.(par. 0064 –par. 0065) the channel for VOD event is dynamically allocated);

generating a VOD event protocol file for the requested VOD event where the VOD event protocol file includes the dynamically allocated channel (par. 0060, par. 0121).

Regarding claim 34, the limitations as claimed correspond to the limitations as claimed in claim 28, and are analyzed as discussed with respect to the rejection of claim 28, wherein the claimed set top box is met by set top box 28 (see Ellis, figure 7, par. 0116-par. 0117, par. 0121) and the claimed VOD server is broadly met by main facility or distribution facility (see Ellis, figures 2b, 2d, par. 0066-par. 0067, par. 0121-par. 0122).

Regarding claims 35-38, 40, the additional limitations as claimed correspond to the additional limitations as claimed in claims 29-33, and are analyzed as discussed with respect to the rejection of claims 29-33.

Regarding claim 39, Ellis further discloses transmitting the VOD event on the dynamically allocated channel (i.e., transmit program guide data including program guide options on a television channel sideband – par. 0064).

Regarding claims 62-73, the limitations as claimed are directed toward embodying the method of claims 22-33 in an “article of manufacture”, and are analyzed as discussed with respect to the rejection of claims 22-33.

Regarding claims 95-113, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 22-40, and are analyzed as discussed with respect to the rejection of claims 22-40.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 12-17, 41-47, 52-57, 74-80, 85-90 are alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Seki (EP 0 872 987 A2).

Regarding claim 1, Seki discloses a method for generating a media on demand (MOD) event (e.g., play clip 1 event, or event 106,107 – figure 8, col. 8, lines 16-48) in a media generating system (figures 1, 8-9), comprising the steps of:

generating a user selectable MOD event in a stateless software module (WWW browser 27 displays “play clip 1” or icons 106,107 on the display on the client’s side to which the HTML document is distributed including the control code, “Play clip 1” is selectable (clicked) – col. 8, lines 28-33, figure 8);

receiving a MOD event protocol file for the selected MOD event, the protocol file indicating the source of a media signal for the selected MOD event (i.e., receiving HTML document for the “Play clip 1” event, the HTML document

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comprises address of clip 1, i.e., www.adress/script.... - col. 7, line 42-col. 8, line 27);

directing the media generation system to generate the MOD event based on the MOD event protocol file (WWW browser receives and displays the "play clip 1" event based on the HTML document received from the VOD server 11 – col. 7, lines 42-col. 8, line 48; col. 9, line 36-col. 10, line 15).

Regarding claim 2, Seki discloses the WWW browser calls the applet out of the applet out of the HTML document for execution. A frame output from the client computer based on the HTML document is shown on the display 16 (col. 9, line 36-col. 10, line 30). Thus, the MOD event protocol file (HTML document) is parsed and the MOD event is generated based on the parsed MOD event protocol file (the frame/icon is generated based on the applet called out from the HTML document).

Regarding claim 3, Seki further discloses the stateless software module is a Web browser (WWW browser 27 – figure 1, col. 9, lines 40-43).

Regarding claim 4, Seki further discloses generating a user selectable link coupled to a MOD event in a page of a Web Browser (icon/frame (i.e. con 106,107) displayed on the display is selectable (figures 7-8; col. 8, lines 30-48).

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Regarding claim 5, Seki further discloses receiving a MOD event protocol file from the selected link for the MOD event (receiving HTML document including control code from the request for providing information –col. 7, line 42-col. 8, line 5).

Regarding claim 6, Seki further discloses the media generation system (client computer 13) is windowless system (figure 1).

Regarding claim 7, Seki further discloses the media generation system is a video generation system and the MOD event is a video on demand (VOD) event (client computer 13 used in VOD system (figure 1, col. 11, line 41-col. 12, line 42).

Regarding claim 12, the limitations as claimed correspond to the limitations as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1.

Seki further discloses web browser access the HTML document and display the event based on the received HTML document (col. 7, line 42-col. 8, line 48).

Thus, the stateless software module (web browser) inherently evokes MOD handler software upon receiving the MOD event protocol file so that the event protocol file can be accessed.

Regarding claim 13, the additional limitations as claimed correspond to the additional limitations of claim 2, and are analyzed as discussed with respect to the rejection of claim 2.

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Regarding claim 14, the additional limitations as claimed correspond to the additional limitations of claims 3-4, and are analyzed as discussed with respect to the rejection of claims 3-4.

Regarding claims 15-17, the additional limitations as claimed correspond to the additional limitations of claims 5-7, and are analyzed as discussed with respect to the rejection of claims 5-7.

Regarding claims 41-47, 52-57, the limitations as claimed are directed toward embodying the method of claims 1-7, 12-17 in an "article of manufacture", and are analyzed as discussed with respect to the rejection of claims 1-7, 12-17.

Regarding claims 74-80, 85-90, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1-7, 12-17, and are analyzed as discussed with respect to the rejection of claims 1-7, 12-17.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Rodriguez et al. (US 2002/0009149) discloses system and method for adaptive video processing with coordinated resource location.

Windheim et al. (US 6,539,437) discloses remote control inputs to Java application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
September 29, 2005


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